

## Key Commitments change request form

<b>Community radio station name:</b>	K107FM
<b>Licence number:</b>	CR000261
<b>Licensee (company name):</b>	Kirkcaldy Community Radio SCIO
<b>Contact name:</b>	Craig Mitchell
<b>Date of request:</b>	20/02/23

### Details of requested change(s) to Key Commitments

A community radio operator may apply to Ofcom to have the station's Key Commitments amended.

Please complete the table overleaf by including your current Commitment in the left hand column and your proposed revised Commitment in the centre column. In the right hand column please give a brief explanation as to why you wish to make each change.

We also require you to complete a second table which asks you to explain your proposed changes with reference to the statutory framework.

If you do not provide an explanation for your proposed changes and a completed comparison table, Ofcom cannot consider a Key Commitments change.

Please complete this form and return it to: [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk)

<b>Existing Commitment (as in your published Key Commitments)</b> Please only include one commitment change per row, and add more rows as necessary into the table.	<b>Proposed revised/new Key Commitment</b>	<b>Reason for proposed change</b>
The service provides original output for a minimum of 10 hours per day	The service provides original output for a minimum of 56 hours per week.	<p>We would like to move from a daily minimum, to a weekly average. This to better reflect the volunteer commitment and available resources. At present periods of unexpected absence due to health, family or work related issues could have a direct impact on our original content on a daily basis. Proposed changes would enable us to ensure our weekly commitment was met.</p> <p>Request is also to slightly reduce the total hours to be in line with an average of 8 hours per day. The impacts of the pandemic and cost of living crisis are now being felt, whilst able to maintain core volunteer numbers, the amount of time they can dedicate is lower.</p> <p>We've also lost some longstanding presenters due to age/health issues, and whilst recruitment is ongoing and new presenters are coming through – training takes time, and their availability is not at</p>

		the same level. Effectively losing one presenter (retiree) able to commit to 5-10 hours a week on-air and original content, to one new presenter (working) able to commit to 2 hours per week will inevitably create a shortfall in the short term. Proposed minimum would reflect the challenges are volunteers are experiencing, and enable key commitments to be met in full, and then over deliver on original output

## Statutory requirements

Under section 106(1A)(a)-(f) of the Broadcasting Act 1990 (as amended and modified<sup>1</sup>) Ofcom must be satisfied that your proposed changes **meet at least one of the criteria referred to below**.

Please indicate which of these criteria you believe your proposed changes satisfy by deleting YES or NO as applicable and provide an explanation for why you consider a particular criterion is met in the relevant box. You should note that even if Ofcom is of the opinion that your explanation of your proposed changes meets one or more of these criteria, there may still be reasons why Ofcom is unable to consent to the change. When explaining your proposed changes, it is not enough to state that you believe one of the criteria is met. You must also demonstrate *why* you consider that at least one of these criteria is met.

In particular, if Ofcom is not satisfied that the changes would not substantially alter the character of the service (criterion (a) below), Ofcom cannot consent to the change without consulting on your proposals.<sup>2</sup> If this is the case, we will contact you to confirm that you are happy for us to consult on your proposed changes, and whether you wish to make any changes to your request in light of the need to make it public.

As part of our consideration of your request to make changes to your Key Commitments, we require applicants to provide an explanation for **at least one** of the criteria below.

(a) In your judgement would the proposed changes substantially alter the character of the service?	YES/NO (Please explain why below)
No – Character of service would remain, change would allow greater flexibility in scheduling of original content. Programming could be delivered based on availability of volunteers, rather than trying to reach daily minimum	
(b) Do you consider that the proposed changes would narrow the range of programmes available by way of relevant independent radio services to persons comprising the relevant community?	YES/NO (Please explain why below)
No - We do not believe that these changes would narrow the range of programmes available, if anything this would strengthen the content available. The station is clearly demonstrating increased partnerships with local stakeholders and delivering stronger local content. This can be evidenced with success across Community Radio Awards and Local Business Awards underpinned by Community Partnership-based programming. These changes would enable the station to deliver this content and meet key commitments	
(c) Do you believe that there is evidence that, amongst persons comprising that community, there is a significant demand for, or significant support for, the changes that you have proposed?	YES/NO (Please explain why below)

<sup>1</sup> As amended by sections 312 and 313 of the Communications Act 2003 and modified by the Community Radio Order 2004.

<sup>2</sup> Ofcom may approve a change under any of criteria (b), (c), (d) and (e) without consultation, or after a consultation of less than 28 days, if Ofcom considers that to hold a consultation at all, or for 28 days or more, would result in a delay that would be likely to prejudice the interests of the licensee. Ofcom may also remove for the purposes of consultation any confidential information submitted by the licensee.

<p>N/A Changes would not be noticeable to the audience, original output would remain strong and diverse with the station still broadcasting 24 hours per day. This request is for an amendment to our minimum delivery, with the station looking to exceed this and, as such, over deliver.</p>	
<p>(d) Do you consider that your proposed changes would be prejudicial to the access by members of that community to the facilities used for the provision of the service and for training in the use of those facilities?</p>	<p>YES/NO (Please explain why below)</p>
<p>No – As above, changes would enable volunteer time to recruit and train new members, increase community engagement and involvement, increase community access and thus, enable the increased creation of stronger local content.</p>	
<p>(e) Do you consider that the proposed changes would be prejudicial to the delivery of social gain resulting from the provision of the service provided under your licence?</p>	<p>YES/NO (Please explain why below)</p>
<p>No - There is no proposed change to the character of service or to our outreach activity</p>	

<p><b>Please set out below any additional information and/or evidence you wish to provide in support of your proposed changes.</b> In particular, you may wish to outline how you think your proposed change(s) fit(s) within Ofcom’s <a href="https://www.ofcom.org.uk/data/assets/pdf_file/0017/31913/kc-changes-guidance.pdf">published guidance on changes to Key Commitments</a> (<a href="https://www.ofcom.org.uk/data/assets/pdf_file/0017/31913/kc-changes-guidance.pdf">https://www.ofcom.org.uk/data/assets/pdf_file/0017/31913/kc-changes-guidance.pdf</a>).</p>
<p>This request aligns with 3.4, as outlined above.</p>

**Data Protection**

We require the information requested in this form in order to carry out our licensing duties under the Broadcasting Act 1990, Broadcasting Act 1996 and Communications Act 2003. Please see Ofcom’s [General Privacy Statement](https://www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement) (<https://www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement>) for further information about how Ofcom handles your personal information and your corresponding rights.

## Ofcom notes on the request

The request was AGREED, because Ofcom was satisfied in relation to Section 106(1A)(a) of the Broadcasting Act 1990 (as modified by the Community Radio Order 2004, and further modified by the Community Radio (Amendment) Orders 2010 and 2015) i.e. that the change would not substantially alter the character of the service, and for the policy reasons given below.

The Licensee is requesting to convert its Key Commitment on original output from a daily to a weekly requirement. The change from 10 hours per day to 56 hours per week would also represent a moderate reduction of 20% of its original output requirement. In requesting this change, the Licensee has stated that it reflects a reduction in available volunteer hours, and will allow for the training of new volunteers on the service. By doing this, the Licensee has stated that it will be able to extend community access to the service.

Ofcom is satisfied that this change will not substantially alter the nature of the character of the programme service provided by K107fm, and the change will not impact on the Licensee's ability to deliver the on-air service and its off-air social gain commitments. In fact, the change could improve the Licensee's delivery of its social gain commitments by allowing for more time to be devoted to training. The change represents a modest reduction to original output, and we do not expect that this reduction would represent a substantial change to the character of service, or the on-air service delivered to listeners.

In terms of our policy criteria, Ofcom is satisfied the change will not affect the station's ability to meet the community radio 'characteristics of service' set out in the legislation, and there are no other policy reasons to refuse the change. We have therefore decided to exercise our discretion to approve this change.

*April 2023*